

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

**IN RE: JOHNSON & JOHNSON
TALCUM POWDER PRODUCTS
MARKETING, SALES PRACTICES,
AND PRODUCTS LIABILITY
LITIGATION**

MDL No. 16-2738 (FLW) (LHG)

This Document Applies to All Actions Filed
Against Defendant Personal Care Products
Council

**DEFENDANT PERSONAL CARE PRODUCTS COUNCIL’S MOTION TO DISMISS
COMPLAINTS PURSUANT TO CASE MANAGEMENT ORDER NO. 10**

Defendant Personal Care Products Council (“Defendant PCPC”) requests that the Court dismiss the cases listed on the attached Exhibit A in accordance with Case Management Order No. 10 [Dkt. No. 4767] (“CMO 10”), showing the Court as follows:

In CMO 10, this Court ordered, in relevant part, that “Following the expiration of the 60-day period specified in paragraph 2, each and every civil action (other than those amended through the process described above) that has been either designated in Paragraph 10 of the Short Form Complaint for remand to a U.S. District Court other than the U.S. District Court for the District of New Jersey or the U.S. District Court for the District of Columbia and/or transferred to this Court for coordinated or consolidated pretrial proceedings from a U.S. District Court other than the U.S. District Court for the District of New Jersey or the U.S. District Court for the District of Columbia is hereby DISMISSED as to Defendant PCPC only.” (CMO 10, ¶ 4).

CMO 10 was entered on February 22, 2018 and the 60-day period referenced above expired on April 24, 2018. Therefore, in accordance with CMO 10, all of the cases that were filed *prior* to the entry of CMO 10 that named Defendant PCPC, but were not set for remand in either the

U.S. District Court for the District of New Jersey or the U.S. District Court for the District of Columbia and were not transferred to this Court from the U.S. District Court for the District of New Jersey or the U.S. District Court for the District of Columbia, and were not amended or refiled within the 60-day period, have now been dismissed without prejudice (collectively, the “Pre-CMO 10 Cases”).

Since the entry of CMO 10, Plaintiffs have filed over 750 additional lawsuits against Defendant PCPC that are not set for remand in either the U.S. District Court for the District of New Jersey or the U.S. District Court for the District of Columbia and were not transferred to this Court from the U.S. District Court for the District of New Jersey or the U.S. District Court for the District of Columbia, that have not been dismissed (collectively, the “Post-CMO 10 Cases”). Attached hereto as Exhibit A is a list of all of the Post-CMO Cases filed to date. For all of the reasons that the Pre-CMO 10 Cases were dismissed, all of the Post-CMO Cases should be dismissed for the same reasons. For the Court’s convenience, a proposed order is attached hereto as Exhibit B.

The parties stipulate and agree to the following: in the event a dismissal is inadvertently entered in a case not subject to CMO 10, this will constitute grounds for the effected plaintiff to reinstate his or her action against PCPC. The statute of limitations in such a case would be tolled from the date of the entry of dismissal until the date of reinstatement.

[SIGNATURES ON FOLLOWING PAGE]

DATED: July 16, 2018

Respectfully submitted,

PERSONAL CARE PRODUCTS COUNCIL

By: /s/ Thomas T. Locke

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CERTIFICATE OF SERVICE

I hereby certify that on July 16, 2018, a copy of the foregoing DEFENDANT PERSONAL CARE PRODUCTS COUNCIL'S MOTION TO DISMISS COMPLAINTS PURSUANT TO CASE MANAGEMENT ORDER NO. 10 was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt.

/s/ Thomas T. Locke

Thomas T. Locke